

1 10A NCAC 13J .0903 is amended under temporary procedures as follows:

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3 **10A NCAC 13J .0903 APPLICATION FOR AND ISSUANCE OF LICENSE**

4 (a) An application for the operation of an agency premises shall be submitted to the Department prior to the  
5 scheduling of an initial licensure survey or the issuance of a license. The agency shall establish, maintain and make  
6 available for inspection such documents, records and policies as required in this Section and statistical data  
7 sufficient to complete the licensure application and upon request of the Department, to submit an annual data report,  
8 as noted in Rule .1002(b) of this Subchapter. If the applicant cannot demonstrate to the Division of Facility Services  
9 that he or she has ever owned or operated a home care agency prior to submission of the application, the Division  
10 shall not issue a license until the applicant has received training approved by the Division in the requirements for  
11 licensure, the licensure process, and the rules pertaining to the operation of a home care agency.

12 (b) The Department shall issue a license to each agency premises. Whether initial and ongoing licensure  
13 inspections include all premises of an agency and whether they include on-site inspections shall be at the discretion  
14 of the Department. Initial licensure shall be for a period of not more than one year. Unless the Department takes  
15 adverse action on a license as outlined in G.S. 131E-139, subsequent licensure shall extend for a minimum of one  
16 year and a maximum of three years, at the discretion of the Department. Each license shall expire at midnight on the  
17 expiration date on the license and is renewable upon application.

18 (c) The license shall be posted in a prominent location accessible to public view within the premises. The agency  
19 shall also post a sign at the public access door with the agency name.

20 (d) The license shall be issued for the premises and persons named in the application and shall not be transferable.  
21 The name and street address under which the agency operates shall appear on the license. The license shall reflect  
22 the services provided by the agency.

23 (e) Prior to change of ownership or the establishment of a new agency, the agency must be in compliance with all  
24 the applicable statutes and rules. If the agency is authorized to provide Medicare certified Home Health Services, it  
25 shall also be in compliance with statutes, rules and policies established under G.S. 131E, Article 9.

26 (f) The licensee shall notify the Department in writing of any proposed change in ownership or name at least 30  
27 days prior to the effective date of the change.

28 (g) Any agency adding a new service category as outlined in G.S. 131E-136(3)(a)-(f) shall notify the Department in  
29 writing at least 30 days prior to the provision of that service to any clients. The Department shall approve the added  
30 service prior to its implementation.

31 (h) An agency shall notify the Department in writing if it discontinues or is unable to provide for a period of six  
32 continuous months any service category as outlined in G.S. 131E-136(3)(a)-(f) that is listed on the agency's license.

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34 *History Note: Authority G.S. 131E-140;*

35 *Eff. July 1, 1992;*

36 *Amended Eff. February 1, 1996; May 1, 1993.*

37 *Temporary Amendment Eff. February 1, 2006.*